IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

MFA.No. 420 of 2000

OPMV.1816/1993 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

APPELLANT: PETITIONER

K.M. ASIKU RAHIMAN, S/O. AHAMMED, AGED 19 YEARS, KAYAL MOOLA HOUSE, ELETTIL (PO), KODUVALLY (VIA), ELETTIL AMSOM DESOM, KOZHIKODE DIST.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: RESPONDENTS
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1. E.K. ABOOBACKER, S/O. KOYAMU, AGED 38 YEARS, ERAMANKANDIYIL HOUSE, ELETTIL (PO), CHALIKODE, VATTOLI, KOZHIKODE.

2. P.C. KOYASSAN, S/O. AYAMMEDKUNHI HAJI, AGED 45 YEARS, PULIYAL CHALIL HOUSE, KOZHAKKOTH (PO), POOVATHODI KODUVALLY, KOZHIKODE DIST.

3. THE NATIONAL INSURANCE CO. LTD., BRANCH OFFICE, JAIL ROAD, CALICUT.

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. Ramachandran & S. Siri Jagan, JJ.

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Dated this, the 2nd February, 2007.

J U D G M E N T

Siri Jagan, J.

Appellant is the petitioner in O.P(MV) No. 1816/1993 on the files of the M.A.C.T., Kozhikode. He is challenging the award of the Tribunal in that O.P on the ground that the amount awarded is not commensurate with the injuries and consequent disability suffered by him. As per the wound certificate produced by the appellant, the injuries suffered by the appellant is a lacerated injury on the forehead over the eyebrow on the left side 3 c.m. long. He was treated as an outpatient for four days from 17-12-1992 to 21-12-1992. The appellant was aged 19 at the time of the accident and was a student.

2. The Tribunal awarded an amount of Rs. 4500/- as compensation, out of which Rs. 3000/- was under the head 'pain and suffering'. An amount of Rs. 250/- under the head transportation charges to the hospital, Rs. 500/- towards extra-nourishment, Rs. 250/- towards damage to clothing and Rs. 500/- towards treatment were also given. The amount was directed to be paid by the 3rd respondent-Insurance Company with interest at the rate of 12% p.a. and also cost of Rs. 400/-.

3. The appellant challenges the said award on the ground that the amount awarded for pain and suffering is too low and the Tribunal should have allowed at least Rs. 15,000/- under the said head. He would also submit that on account of the disfigurement of the face, he is entitled to compensation for reduction of marriage prospects and also convenient enjoyment of life.

4. We have considered the arguments of the learned counsel for the appellant. Considering the injuries sustained by the appellant and the period of treatment, we are not at all satisfied that the amount of Rs. 3000/- awarded towards pain and suffering is low. We are of

opinion that Rs. 3000/- would be just compensation payable to the appellant under the said head. The appellant has not even cared to adduce oral evidence or any evidence to show that he has suffered any disfigurement of his face on account of the injuries sustained by him. No evidence is also forthcoming to the effect that the injuries have in any way affected his convenient enjoyment of life. That being so, we do not think that the appellant was entitled to any compensation under the said heads as claimed by him.

The result of the above discussion is that the appeal is without any merit and the same is accordingly dismissed.

Sd/- M. Ramachandran, Judge.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.

M. Ramachandran & S. Siri Jagan, JJ.

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M.F.A. No. 420 of 2000

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J U D G M E N T

2nd February, 2007.